

Cal/OSHA “reform” bill is a fraud: Workers must organize independently to fight corporate killings

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Assembly Labor Chair Liz Ortega (Democrat-San Leandro) recently announced a proposed bill to increase criminal prosecutions of employers when workers die or are seriously injured on the job.

The bill’s announcement comes less than three months after 19-year-old worker Brayan Neftali Otoniel Canu Joj was killed while cleaning an industrial meat grinder at the Tina’s Burritos frozen food plant in Vernon, California.

The legislation is being hailed by Democrats, the trade union bureaucracy and their media allies as a bold step toward “accountability.” In reality, it is nothing of the sort. It is a cynical maneuver aimed at covering up the Democratic Party’s central role in creating the very conditions responsible for the wave of workplace deaths and injuries across California.

Ortega’s announcement came in the wake of a devastating state audit last July exposing systemic failures within Cal/OSHA, the state agency supposedly tasked with protecting workers. The findings were staggering:

- 82 percent of investigations were handled by mail, not through on-site inspections.
- Over 8,300 employers received fine reductions averaging 56 percent, even in cases involving deaths and life-altering injuries.
- Only 1.7 percent of serious cases were ever referred for criminal prosecution.

In one notorious case, Alco Scrap Metal, where three workers have died in just three years, the company paid a mere \$18,000 in fines—a sum so negligible it barely registers as a rounding error in its operating costs.

Ortega, a member of the Joint Legislative Audit Committee that approved the investigation, berated agency officials during a hearing: “When do you make the decision to make criminal referrals?” She framed the bill as a necessary corrective to Cal/OSHA’s lack of accountability, threatening to scrutinize budgets and push legislation ensuring that employers “are held accountable.”

But this “accountability” campaign is a charade. Ortega and the Democrats hope workers will believe that a few legislative tweaks and token prosecutions will end the plague of workplace fatalities. Nothing could be further from the truth.

The catastrophic state of workplace safety in California is the outcome of a deliberate program under successive Democratic administrations, from Jerry Brown to Gavin Newsom, dismantling protections and turning regulatory agencies into instruments of corporate power.

Cal/OSHA’s skeleton workforce, antiquated procedures, lack of enforcement power and simply inadequate resources are not accidental. Budgets have been slashed year after year while employer fines have been systematically reduced, leaving corporations free to treat preventable workplace deaths as an acceptable cost of doing business.

Ortega’s proposal comes not from a position of genuine opposition to this system but from her role as one of its key enablers. As the first Latina to serve as Executive Secretary-Treasurer of the Alameda Labor Council and a longtime political director for AFSCME Local 3299, Ortega is deeply embedded in the union bureaucracy—a structure that has consistently protected corporate profits at the expense of workers’ lives.

The California Labor Federation and other union bodies backing Ortega’s bill are equally complicit in the death toll. For decades, the unions have subordinated worker safety to maintaining their cozy relationships with management and state regulators.

The case of Ronald Adams Sr., a Stellantis worker killed on the job in Dundee, Michigan, is a notorious example. The United Auto Workers (UAW) bureaucracy had jointly administered safety committees with management and Michigan’s MIOSHA. Instead of independently investigating hazardous conditions, the UAW collaborated in whitewashing corporate responsibility while suppressing worker testimony and, ultimately, ensuring business as

usual.

This betrayal is not an isolated incident. From auto plants to food processing facilities, the unions act as enforcers of “labor peace,” deliberately blocking strikes and preventing any organized resistance to deadly working conditions.

Ortega’s legislative proposal is thus part of a broader strategy by the Democratic Party and the unions to divert rising anger among workers into safe, state-controlled channels.

Even if Ortega’s bill passes—and that is far from certain—it will amount to nothing more than a toothless gesture. The California Chamber of Commerce, one of the most powerful corporate lobbies in the state, will fight tooth and nail to water down any meaningful reforms, ensuring that the final product is riddled with loopholes.

But even in its strongest possible form, the legislation does not address the root of the problem. Existing laws already allow criminal prosecution of employers for workplace deaths and serious injuries, while making it virtually impossible.

In California, as in most states, prosecutors must prove that an employer’s conduct was “willful” or “aggravated”—that the company consciously disregarded known dangers. With Cal/OSHA relying on mail-in investigations and underfunded enforcement, the evidence needed to meet this standard rarely exists.

Even in rare cases where prosecutions occur, they are designed to protect corporate interests. Take the 2020 case of California Ranch Foods, where two workers suffocated to death after exposure to nitrogen gas. The company pleaded guilty—but only to two misdemeanor counts, resulting in a fine that allowed business to continue unchanged.

Some states, like Washington, allow prosecutors to charge corporations directly with offenses such as second-degree manslaughter, imposing heavy fines, probation, and safety compliance orders. But in practice, CEOs and top executives almost never face prison time. Instead, scapegoats are found among mid-level managers or safety officers, while corporate profits and operations remain untouched.

In New York, where prosecutors have more aggressively applied criminal statutes against employers, these cases represent a handful of exceptions within a system fundamentally designed to shield Wall Street from liability.

The California situation is no different. Simply increasing criminal referrals, as Ortega proposes, will not result in a meaningful fix. District attorneys are chronically under-resourced and often lack expertise in workplace safety law, a reality by design. The same state apparatus that regulates corporations has no interest in equipping prosecutors with the tools to challenge corporate impunity.

Increased criminal penalties will almost certainly be

wielded selectively, targeting smaller firms and marginalized contractors, while the largest corporations—the Amazons, Teslas, and Disneys of California—remain immune.

The Cal/OSHA audit has exposed a system in terminal crisis. The agency is incapable of protecting workers because it was designed to serve the corporations it regulates and is grossly underfunded. Ortega’s proposed bill cannot change that.

These toothless fines and performative legislative gestures will not prevent future workplace deaths because this crisis is the inevitable outcome of an economic system where the lives of workers are increasingly sacrificed for profit.

Workers confront an urgent reality: the organizations and politicians that claim to represent them have betrayed them. The Democrats defend corporate interests as ruthlessly as the Republicans, and the union apparatus functions as a partner of management and the state.

This betrayal demands a decisive response. Workers must confront the gravity of this crisis and take matters into their own hands. That means building independent, democratic organizations run by workers themselves—rank-and-file committees in every workplace, united through the International Workers Alliance of Rank-and-File Committees (IWA-RFC).

These committees, as in the case of the investigation launched into the death of Ronald Adams Sr., must investigate unsafe conditions, expose corporate crimes and organize collective action free from the control of the Democratic Party, the Republicans and the union bureaucracy. The defense of life and safety requires an international fight against a system that prioritizes private profit over human needs.



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